

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
Rail Crossings Engineering Section

Resolution SX-73  
August 24, 2006

**RESOLUTION**

RESOLUTION SX-73 ADOPTS COMMISSION GENERAL ORDER 75-D  
(REGULATIONS GOVERNING STANDARDS FOR WARNING DEVICES FOR  
AT-GRADE HIGHWAY-RAIL CROSSINGS IN THE STATE OF CALIFORNIA)  
TO SUPERSEDE AND REPLACE GENERAL ORDER 75-C

**Summary**

Commission General Order (GO) 75-C provides rules governing standards for warning devices for at-grade highway-rail crossings (at-grade crossings). This Resolution supersedes and replaces GO 75-C with GO 75-D due to necessary and substantial changes to GO 75-C.

**Background**

Intersections of highways with rail tracks are commonly referred to as highway-rail crossings. If the intersection is at the same elevation the crossing is referred to as at-grade. If the intersection is at different levels, that is, the highway and rail tracks cross over or under each other using a bridge structure, then the crossing is referred to as grade-separated.

Under the Public Utilities Code the Commission has the authority to establish rules regarding the installation and use of warning devices at at-grade crossings<sup>1</sup>.

The Rail Crossings Engineering Section (RCES), of the Commission's Consumer Protection & Safety Division, is responsible for implementing the Commission's safety oversight over highway-rail crossings. RCES initiated the process for adopting GO 75-D.

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<sup>1</sup> **PU Code §768.** The commission may, after a hearing, require every public utility to construct, maintain, and operate its line, ...tracks, and premises in a manner so as to promote and safeguard the health and safety of its employees, passengers, customers, and the public. The commission may prescribe, among other things, the installation, use, maintenance, and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signaling. The commission may establish uniform or other standards of construction and equipment, and require the performance of any other act which the health or safety of its employees, passengers, customers, or the public may demand....

**PU Code §778.** The commission shall adopt rules and regulations, which shall become effective on July 1, 1977, relating to safety appliances and procedures for rail transit services operated at grade and in vehicular traffic. The rules and regulations shall include, but not be limited to, provisions on grade crossing protection devices, headways, and maximum operating speeds with respect to the speed and volume of vehicular traffic within which the transit service is operated.

The commission shall submit the proposed rules and regulations to the Legislature not later than April 1, 1977.

**PU Code §7537.** The owner of any lands along or through which any railroad is constructed or maintained, may have such farm or private crossings over the railroad and railroad right of way as are reasonably necessary or convenient for ingress to or egress from such lands, or in order to connect such lands with other adjacent lands of the owner. The owner or operator of the railroad shall construct and at all times maintain such farm or private crossing in a good, safe, and passable condition. The commission shall have the authority to determine the necessity for any crossing and the place, manner, and conditions under which the crossing shall be constructed and maintained, and shall fix and assess the cost and expense thereof.

**PU Code §1201.** No public road, highway, or street shall be constructed across the track of any railroad corporation at grade, nor shall the track of any railroad corporation be constructed across a public road, highway, or street at grade ... without having first secured the permission of the commission. This section shall not apply to the replacement of lawfully existing tracks. The commission may refuse its permission or grant it upon such terms and conditions as it prescribes.

**PU Code §1202.** The commission has the exclusive power:

(a) To determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use, and protection of each ... of a public or publicly used road or highway by a railroad or street railroad, and of a street by a railroad or of a railroad by a street.

(b) To alter, relocate, or abolish by physical closing any crossing set forth in subdivision (a).

(d) (1) To authorize on an application-by-application basis and supervise the operation of pilot projects to evaluate proposed crossing warning devices, new technology, or other additional safety measures at designated crossings, with the consent of the local jurisdiction, the affected railroad, and other interested parties, including, but not limited to, represented railroad employees.

**PU Code §99152.** Any public transit guideway planned, acquired, or constructed, on or after January 1, 1979, is subject to regulations of the Public Utilities Commission relating to safety appliances and procedures.

The commission shall inspect all work done on those guideways and may make further additions or changes necessary for the purpose of safety to employees and the general public.

The commission shall develop an oversight program employing safety planning criteria, guidelines, safety standards, and safety procedures to be met by operators in the design, construction, and operation of those guideways. Existing industry standards shall be used where applicable.

The commission shall enforce the provisions of this section.

## Discussion

RCES maintains a database of names and addresses of representatives of all rail agencies operating in California, cities and counties public works/traffic engineering staff, other state agencies (such as Caltrans), consultants, and other parties that have contacted RCES.

RCES sent a letter on October 21, 2005, and an email on October 26, 2005, to all organizations in its database that it proposes the adoption of GO 75-D, and asked if the organization wishes to be added to a special GO 75-D email list. The GO 75-D email list includes 175 individuals

On December 19, 2005, RCES posted on the Commission's website first draft of proposed GO 75-D and a memorandum describing the proposed changes between GO 75-C and GO 75-D. Interested parties were asked to submit written comments by January 27, 2006. RCES sent an email to individuals on its GO 75-D email list notifying them that the information described above was posted.

In January 2006, RCES met individually with representatives from light rail agencies, freight railroad companies, and commuter rail agencies to solicit comments from them on the first draft of proposed GO 75-D. RCES received written comments from 15 parties, in addition verbal comments received in meetings with six parties.

On February 24, 2006, RCES posted on the Commission's website a notice of two public participation workshops to solicit comments from interested parties. RCES sent an email to individuals on its GO 75-D email list notifying them of the workshops and that the information described above was posted on the Commission's web site.

Based on comments received, RCES revised the original draft GO 75-D. On March 13, 2006, RCES posted on the Commission's website the second draft of proposed GO 75-D, and sent an email to individuals on its GO 75-D email list notifying them that the information described above was posted.

On March 21 and 22, 2006, a two-day public participation workshop was held in the Commission's Los Angeles Hearing Room. The workshop participants included 20 individuals representing private consulting firms, freight railroad companies (including major transcontinental operators and local shortline

operators), Caltrans, local cities and counties, light rail agencies, and commuter rail service operators.

On March 24, 2006, RCES posted on the Commission's website the first workshop meeting notes, and emailed to the workshop participants the meeting notes and list contact information of all participants.

On March 28, 2006, a one-day public participation workshop was held in the Commission's San Francisco headquarters. The workshop participants included 11 individuals representing private consulting firms, freight railroad companies, Caltrans, light rail agencies, and commuter train service operators.

On April 4, 2006 RCES posted on the Commission's website the second workshop meeting notes, and emailed to the first and second workshop participants the meeting notes of the second workshop and list contact information of all participants.

Based on comments received at both workshops, RCES once again revised the draft GO 75-D.

On April 12, 2006, RCES posted on the Commission's website the third draft of proposed GO 75-D, and provided a deadline of April 28, 2006 for final comments. RCES also sent an email to individuals on its GO 75-D email list notifying them that the information described above was posted. RCES received comments from four interested parties on the third draft of GO 75-D.

Based on comments received on the third draft, RCES prepared the fourth and final draft of GO 75-D which is included in Appendix A of this Resolution. RCES believes that it has reached consensus with the interested parties, and recommends the revised General Order be adopted by the Commission.

### **Comments and Draft Resolution**

In accordance with Pub. Util. Code § 311(g)(1), on July 20, 2006 RCES posted on the Commission's website a draft copy of this Resolution and the final draft of GO 75-D. RCES sent an email, notifying that the information listed above is posted, to all individuals on its GO 75-D email list.

**Findings**

1. Public Utilities Code grants the Commission power to adopt rules regulating warning devices for at-grade highway-rail crossings.
2. GO 75-C governs the installation of warning devices for highway-rail at-grade crossings.
3. RCES solicited comments from interested parties on the proposed GO 75-D by holding two public participation workshops, posting notice of proposed changes on the Commission's website, and sending electronic mail notices to interested parties.
4. This Resolution, which includes the proposed GO 75-D as an attachment, was posted on the Commission's website on July 20, 2006, and **xx** comments were received.
5. Staff recommends that this Resolution be adopted.

**Therefore, IT IS ORDERED that:**

1. General Order (GO) 75-D as it appears in Appendix A is adopted.
2. GO 75-C is repealed.

This Resolution becomes effective 30 days from today.

I certify that the Public Utilities Commission adopted this Resolution at its regular meeting on \_\_\_\_\_. The following Commissioners approved it:

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Steve Larson

Executive Director

**APPENDIX A**  
**PROPOSED GENERAL ORDER 75-D**

[Notice of Availability - Resolution SX73](#)  
[DRAFT General Order 75-D](#)